

# **CODE OF JUDICIAL ETHICS**

An effective and independent judicial power is indispensable to justice and rule of law. The judges shall participate in the process of establishing, respecting and adopting high standards of behaviour, and should maintain a position that enables independence, impartiality and fairness as judges. The rules that derive from the Code of Judicial Ethics have been drafted to help achieving these goals and implementing such standards of behaviour to accomplish the functions of the rule of law.

To ensure that justice and the functioning of the judiciary are realized in compliance with the Constitution, we, the judges of the Republic of Albania shall prescribe to the following rules:

## **CHAPTER I GENERAL RULES ON INDEPENDENCE AND IMPARTIALITY OF A JUDGE**

### **Rule 1**

A judge should protect and support the independence and impartiality of the judicial power. The judge should respect and implement the Constitution and laws and always should act in a way to increase public trustworthiness and impartiality of judicial power.

### **Rule 2**

A judge shall accomplish his/her duties by showing maximum care in respecting the laws and increasing the level of his/her professional experience.

A judge shall show civil courage and shall not be influenced by biased interests, public and government pressure, or be scared because of criticism.

### **Rule 3**

A judge should not allow his family, relatives or other persons to influence his/her work and decisions. He/she should not violate the prestige of his/her judicial duty for the sake of his/her private interests and at the same time he/she should not create to the others the impression that he/she acts in such a way.

## **CHAPTER II RULES RELATED TO EXERCISE OF JUDICIAL POWERS**

### **Rule 4**

While on duty a judge should avoid any inappropriate behaviour which is in conflict with the law, code of ethics, as well as any actions which might damage or cast doubts on his/her moral figure.

### **Rule 5**

A judge, in the exercise of his/her judicial functions, shall avoid any impartiality and prejudice because of race, sex, religion, nationality, social-economic status, age, physical or mental disability, or other causes concerning the parties in dispute.

He/she shall not permit these things either by the parties in dispute or by the legal staff or those who are subject to the authority and control of the court.

### **Rule 6**

A judge shall give prompt decisions, with efficiency and fairness to all judicial cases, by correctly respecting the Constitution and laws. Decisions shall include explanation and full reasoning of the causes that have led the court in the given decision.

### **Rule 7**

A judge should devote the necessary time to judicial (court) cases in order to study and resolve them, should be punctual with the begging and management of the court session and should not allow delays in his work.

### **Rule 8**

A judge should ensure the rule and respect of solemnity during the hearings. His/her attitude towards participants in the court sessions should be impartial and with dignity. He should ask the same behaviour by the parties in dispute, the legal staff and other persons who are subject to the authority and control of the court.

### **Rule 9**

A judge shall respect the right of each person who has a legal interest in a pending case and his/her defence attorney, to be heard in accordance with the law. While reviewing a case, he shall not take into account *ex-parte* communications or those communications made without the presence of parties.

### **Rule 10**

A judge shall not make public statements that might affect the result of the adjudication of a case that he/she is or will be reviewing, or that infringe justice, or make any non-public statement which might substantially impede a fair trial. A judge shall ask the same attitude from the other members of the court, as well as from the judicial staff under his/her authority and control.

It is excluded from this rule the case when a judge makes a public discussion on the explanation of judicial procedures that are to be followed.

### **Rule 11**

A judge is forbidden to proliferate information, issue statements, or make known his/her opinions during the hearing of a case about which a final decision is not yet reached, or to declare the content of secret or personal documents.

### **Rule 12**

A judge should resign from reviewing a case, or upon the request of the parties may be excluded from adjudicating the case when his impartiality may be in doubt, including but not limited to the following cases:

- a. if he influences or prejudices one of the parties or its defending attorney;
- b. if he has been previously a defending attorney of the case that he is actually reviewing;
- c. if he knows that he himself, his family or his relatives have material interests in the outcome of the trial that the judge shall review, or if there exist the possibility of damage against the state or any other party from the prejudiced position of the judge;
- d. if the members of his family are witnesses or may play such a role in a case that the judge shall review;
- e. if the spouse of a judge or any relative based on blood bonds up to third generation show interest in the case. The degree of blood bonds is defined within the Civil Procedure Code.
- f. in all other cases envisaged by the Codes of Civil and Criminal Procedure.

### **Rule 13**

A judge who is informed about the possibility that another judge has violated the rules of this Code shall act in an appropriate manner, and when the violation is significant to the progress of the work of other judges shall inform the appropriate authority.

A judge who is informed about the possibility that an attorney has violated the Rules of Professional Conduct shall act in an appropriate manner, and when the violation is significant to the honesty, trustworthiness and progress of the works of an attorney related to other issues, shall inform the appropriate authority.

### **Rule 14**

A judge shall fulfil with devotion his/her administrative responsibilities in an impartial, unbiased manner with no prejudices and shall maintain professional

position during judicial management, as well as cooperate with other judges and judicial staff in the management of the court's work.

A judge shall demand that his staff and other personnel under his authority and control maintain the standards of trustworthiness and devotion of a judge, and that they shall not demonstrate impartiality and prejudice in the accomplishment of their judicial tasks.

A judge who has supervisory function shall take necessary measures to assure the correct submission of the cases to the judges and fulfilment of other judicial tasks assigned to them.

A judge who has supervisory functions shall not make proposals for unnecessary appointment. He/she shall exercise his/her power of appointment in an impartial manner and based on values, avoiding nepotism and prejudice.

### **CHAPTER III RULES OF EXTRA-JUDICIAL ACTIVITY**

#### **Rule 15**

A judge shall carry out all extra-judicial activities in a such a manner that they do not raise reasonable doubts about his/her impartiality, decrease the authority of the judiciary or interfere with the performance of judicial tasks.

#### **Rule 16**

A judge should not undertake duties that are in conflict with his function. He/she may undertake activities, which aim at improving the legislation, the judicial system and the administration of justice.

A judge may not advise on specific cases and may not participate in organizations or commissions that deal with the solution of specific issues. He may participate in bodies, which exist or are created in order to promote issues related to the legal system.

#### **Rule 17**

A judge shall not be a member of organizations that hold extremist positions on certain issues, organizations that take a hostile or degrading position toward courts, which demand the judge to spend time with them, and which hinder him to normally carry out his duty, or organizations that exploit the membership of the judge in order to attain benefits.

A judge cannot be a member of an organization that follows discriminatory practices based on race, sex, religion, or national/ethnic origin or any other kind of discrimination.

#### **Rule 18**

A judge cannot hold membership in a political party or participate in political activities. He shall not provide concrete materials or financial support for political organizations by using his official position.

A judge, during the ruling of the issues of a political character, shall not express opinions or adopt positions different from those provided by law.

#### **Rule 19**

A judge shall not allow family, social, political relationships or other kinds of relationships to affect the judicial behaviour of the judge or his/her decision. A judge shall not use the authority of being a judge in order to achieve, fulfil his interests or the interests of others and he shall not create or allow others to create the impression that they are in a special position to impact the judge.

#### **Rule 21**

A judge can speak, lecture and participate in other extra-judicial activities that relate to legislation, legal system, and administration of the judiciary.

#### **Rule 22**

A judge shall conduct extra-judicial activities in such a way as to avoid or minimize the danger of conflict with the legal duties.

#### **Rule 23**

A judge and his/her family members shall not accept gifts, favours, privileges, or promises for material assistance from a person that has a direct or indirect interest in a case that the judge shall rule on.

#### **Rule 24**

A judge shall not be involved in any financial or job relations that might be understood as abuse of the judicial function, or that involve the judge in frequent relations or create business relations between the judge and attorneys who might appear before the Court where the judge exercises his/her activity.

#### **Rule 25**

A judge shall not serve as an applicant, administrator or representative, tutor, supervisor, director, or carry out other administrative activities.

A judge shall not serve as administrator, if there are possibilities that he/she as administrator can be involved in a judicial process presented to the judge for adjudication, or when his/her property, income or the child under his/her custody might be involved in a judicial dispute in the court where this judge is serving, or in the court that is under the appellate authority of the Court where he/she is serving.

The same restrictions on financial activities applied directly to a judge shall also be applied to a judge serving as administrator.

#### **CHAPTER IV APPLICATION OF THE CODE**

##### **Rule 26**

All the judges shall abide to the rules of this Code of Judicial Ethics.

##### **Rule 27**

The National Judicial Ethics Committee, through the interpretation of the norms of the Code of Judicial Ethics as well as the legal norms that regulate the behaviour of judges, provides advisory opinions to the Inspectorate of the High Council of Justice, upon the request of the latter.

Each judge is entitled to request from the Ethics Committee an advisory opinion related to specific behaviour or actions while performing his or her duties, or beyond this performance of duties, [to determine] whether or not they are considered to be in conformity with the norms of the Judicial Ethics Code. *(Amended on 08 December 2006 at the Annual Meeting of the National Judicial Conference)*

##### **Rule 28**

The interpretation of the Code of Judicial Ethics by the Ethics Commission of National Judicial Conference upon the request of a judge, in relation to the fact of whether a particular norm permits specific behaviour, may be used as a means of defence during a case of disciplinary proceeding; nevertheless, such an interpretation is not of a binding nature for the resolution of other similar cases by the High Council of Justice and by the Joint Colleges of the High Court. *(Amended on 08 December 2006 at the Annual Meeting of National Judicial Conference)*

##### **Rule 29**

The rules of this Code are applicable also to administrative staff of the courts of first instance, appeal courts, and High Court.

The judges and administrative staff of the judiciary shall, as soon as possible, take measures to adjust their relations and activities in conformity with the rules of the present Code.

**NATIONAL JUDICIAL CONFERENCE  
TIRANA, 5 December 2000**